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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,699	09/08/2006	Choon Meng Chan	PA030013	1995

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Joseph J. Laks, Vice President
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EXAMINER

RIZK, SAMIR WADIE

ART UNIT	PAPER NUMBER
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2112

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02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,699	CHAN ET AL.	
	Examiner	Art Unit	
	SAM RIZK	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTIONS

- Claims 1-10 have been submitted for examination
- Claims 1-10 have been rejected

Drawings

1. New corrected drawings of figure 1 in compliance with 37 CFR 1.121(d) is required in this application because figure 1 lacks brief description of each functional block. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepare new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The specification lacks the cross-reference to related applications section.

Claim Objections

3. Claim 2, line 2 should read: "said data string".
4. Claim 2, line 4 should read: "said data string".
5. Claim 3, line 2 should read: "said data string".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 1 is rejected under 35 U.S.C. § 101 because the claim invention is directed to non-statutory subject matter.

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For Example, each limitation in the method claim 1, i.e. locating a predefined part of data string, disregarding the insignificant part and performing consistency check are pure mental steps or acts. To qualify under section 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which the application is tied and must be useful. See MPEP § 2106.IV.B and *In re Bilski* 88 USPQ2d 1385. and *In re Schrader*, 22F.3d 290, 295(Fed.Cir.1994).

7. Claims 2-8 depend from claim 1 and are rejected under 35 USC 101 for the same reasons as per claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 102(e) as being Imazeki et al. US patent no. 6535164 (Hereinafter Imazeki).
9. In regard to claim 1, Imazeki teaches:

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- (original) Method to decode a received data string, said data string being part of a message containing non-data elements and data string elements of varying length, comprising the steps of
- locating a predefined significant part of the data string,
(Figure 1, ref. "RAC" in Imazeki)
- disregarding from consistency checking an insignificant part of the data string,
and
(Figure 1, ref. (4) area code comparator in Imazeki)
- further performing consistency checking only for the located significant part of the data string.

(col. 1, lines (42-59) in Imazeki)

10. In regard to claim 5, Imazeki teaches:

- (currently amended) Method according to ~~one of the preceding claims~~ claim 1, further comprising the steps of
- locating a predefined important segment as significant part of the data strings remaining after the previous step,
(col. 1, lines (42-59) wherein Imazeki teaches locating "RAC" segment)
- disregarding the data locations that do not belong to said important segment,
and further checking only the important segments.

(Figure 1, ref. (4) in Imazeki)

11. Claim 9 is rejected for the same reasons as per claim 1.

12. In regard to claim 10, Imazeki teaches:

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- (currently amended) Broadcast receiver being equipped with a device according to claim 9 or being provided for performing the method.

(Figure 2 in Imazeki)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
13. Claims 2-4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imazeki as applied to claim 1 above, and further in view of Gropper US patent no. 6323767 (Hereinafter Gropper).
14. In regard to claim 2, Imazeki teaches substantially all the limitations in claim 1. However, Imazeki does not teach:
- (original) Method according to claim 1, comprising the steps of determining the length of said string pinpointing predetermined data positions

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using said length removing data from said string starting from a position determined by said length.

Gropper in an analogous art that teach diagnostic FSK receiver for decoding EAS and SAME code teaches;

- (original) Method according to claim 1, comprising the steps of determining the length of said string pinpointing predetermined data positions using said length removing data from said string starting from a position determined by said length.

(Figure 1, wherein Gropper teaches SAME protocol)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gropper that comprise SAME protocol with the teaching of Imazeki.

This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized the need to determine the decoding status and data position in SAME protocol.

15. In regard to claim 3, Imazeki teaches:

- (original) Method according to claim 2, wherein the determining step consists in locating a predetermined sequence in said string.

(col. 1, lines (47-52) in Imazeki)

16. In regard to claim 4, Gropper teaches:

- (currently amended) Method according to claim 1, further comprising the steps of

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comparing, byte by byte, different strings assumed to contain identical data taking as correct data those bytes for which said comparison gives the result "identical".

(col. 3, lines (44-48) in Gropper)

17. In regard to claim 6, Imazeki/Gropper teaches:

- (currently amended) Method according to claim 1 comprising the further step of searching for meaningful data in case that no correct data can be determined.
(col. 1, lines (42-59) wherein Imazeki teaches locating "RAC" segment and col. 3, lines (44-48) in Gropper)

18. in regard to claim 7, Gropper teaches:

- (currently amended) Method according to claim 1 comprising the further step of searching for a predefined header code block, and attaching a header code block at the start of the received data string if no such header code block is found in the preceding step.
(col. 4, lines (63-67) in Gropper)

19. In regard to claim 8, Gropper teaches:

- (currently amended) Method according to claim 1 comprising the further step of checking for a predetermined set of symbols at a predetermined location of the data string, and inserting to or removing from the data string symbols so as to shift the predetermined location if the check of the previous step did locate them at a different position.
(col. 5, lines (3-20) in Gropper)

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vanderable US patent no. 6204761 teaches Weather alert system.

-Ganzer et al. US patent no. 5121430 teaches Storm Alert for emergencies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

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/Sam Rizk/

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